

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION

STEVEN MARTIN,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 4:21-cv-32
)	
MENARD, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

To: The United States District Court
Northern District of Indiana
Lafayette Division
230 North Fourth Street
Lafayette, IN 47901

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Menard, Inc. (“**Menard**”), by and through its undersigned counsel, files its Notice of Removal of this action from the Tippecanoe Superior Court No. 1. In support thereof, Menard states as follows:

1. Plaintiff Steven Martin (“Plaintiff”) commenced this action against Menard in the Tippecanoe Superior Court No. 1, a state court, on April 20, 2021 by filing his “Complaint for Damages and Jury Demand” (the “Complaint”). A true and correct copy of Plaintiff’s Summons and Complaint are attached hereto as “**Exhibit A**”.

3. Menard is a corporation incorporated under the laws of Wisconsin having its principal place of business in Wisconsin and was a Wisconsin corporation at the time Plaintiff’s Complaint was filed.

4. On information and belief, Plaintiff is a resident of Tippecanoe County, Indiana at the time of filing the Complaint.

5. Plaintiff alleges he sustained personal injuries when he was sitting on a patio chair display which broke causing him to fall at the Menard facility in Lafayette, Indiana. Complaint ¶ 1.

6. Upon information and belief, the matter in controversy in this matter, at the time of the commencement of this action and at the present time, exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

7. Given the above facts, this action falls under the diversity jurisdiction of this Court under 28 U.S.C. § 1332(a).

8. Menard has served this Notice of Removal within thirty (30) days of having been served with, or otherwise receiving, copies of Plaintiff's Summons and Complaint. *See* 28 U.S.C. § 1446(b).

9. The Tippecanoe Superior Court No. 1 is located within the United States District Court for the Northern District of Indiana. Therefore, this Court is the proper Court for removal of this action.

10. Upon filing this Notice of Removal, Menard will provide a written notification to Plaintiff of such action and file a Notification of Removal with the Clerk of Courts for Tippecanoe County, Indiana.

WHEREFORE, Defendant Menard Inc. respectfully prays that this case will proceed before this Court as an action properly removed.

Respectfully submitted,

/s/ Barry L. Loftus

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